

ARIZONA BAIL BONDSMEN ASSOCIATION

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Proposed Amendment

Bill 20-340.03

Bill #4

SPONSORED BY REPRESENTATIVE GOWAN

Last Update: November 28, 2012

Sec. 2. Section 13-3974, Arizona Revised Statutes, is amended to read:
13-3974. Exoneration of appearance bond

- A. A surety ~~may~~ **SHALL** be relieved from liability on ~~an~~ **THE** appearance bond **ON WHICH THE DEFENDANT IS RELEASED AT THE TIME THE DEFENDANT IS SURRENDERED** if the surety surrenders the defendant **ON THAT APPEARANCE BOND** into the custody of the sheriff of the county in which the prosecution is pending **ON OR BEFORE THE DAY AND TIME THE DEFENDANT IS ORDERED TO APPEAR IN COURT OR DEFENDANT IS IN CUSTODY ON AN ADDITIONAL CHARGE ON OR BEFORE THE DAY AND TIME DEFENDANT IS TO APPEAR IN COURT** and the sheriff or bail bond agent or surety reports the surrender to the court.
- B. **ON APPROVAL OF THE COURT, A SURETY MAY BE RELIEVED FROM LIABILITY OF THE APPEARANCE BOND ON WHICH THE DEFENDANT IS RELEASED AT THE TIME THE DEFENDANT IS SURRENDERED IF THE SURETY SURRENDERS THE DEFENDANT INTO THE CUSTODY OF THE SHERIFF OF THE COUNTY IN WHICH THE PROSECUTION IS PENDING IN A TIMELY MANNER NOT TO EXCEED 90 DAYS AFTER THE DEFENDANT'S FAILURE TO APPEAR AND THE SHERIFF OR BAIL BOND AGENT OR SURETY REPORTS THE SURRENDER TO THE COURT. IF A SURETY IS RELIEVED FROM LIABILITY PURSUANT TO THIS SUBSECTION, THE COURT MAY ORDER FORFEITURE OF UP TO TEN PER CENT OF THE APPEARANCE BOND OR ONE THOUSAND DOLLARS, WHICHEVER IS GREATER. THIS SECTION APPLIES IF THE SURETY SURRENDERS THE DEFENDANT OR ASSIST IN THE APPREHENSION WITH LOCAL LAW ENFORCEMENT.**
- C. **A SURETY SHALL BE RELIEVED FROM LIABILITY IF A JUDICIAL OFFICER ORDERS A BOND IN ERROR OR THE DEFENDANT IS NOT RELEASED TO THE CUSTODY OF THE SURETY OR IS RELEASED TO ANOTHER GOVERNMENT AGENCY THAT HINDERS OR ABSTRACTS THE DEFENDANT FROM APPEARING IN COURT. THIS IS TO INCLUDE BUT NOT LIMIT TO IMMIGRATION, DEPORTATION OR INCARCERATION IN ANOTHER JURISDICTION. IT IS IN THE DISCRETION OF THE COURT OR PROSECUTOR TO PLACE A DETAINOR ON THE DEFENDANT TO INSURE HIS OR HER ATTENDANCE IN COURT PROCEEDINGS.**